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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,334	08/01/2003	Klaus G. Carl	2003P06991 US	3581
Elsa Keller Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER GARY, ERIKA A	
			ART UNIT	PAPER NUMBER
			2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/632,334

Applicant(s)

CARL ET AL.

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/6/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 27-39 rejected under 35 U.S.C. 101 because independent claims 27 and 36 include an apparatus (and method) for "predicting the location of a mobile subscriber unit" but the claims do not result in a prediction of the location of a mobile subscriber unit.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 27-33, 36, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Garceran et al., US Patent Number 6,522,888 (hereinafter Garceran).

Regarding claims 27 and 36, Garceran discloses an apparatus (and method) for predicting the location of a mobile subscriber unit in a wireless communications network of base transceiver stations, comprising: means for generating predicted levels of

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reception of signals of base transceiver stations, for a plurality of locations in the network; a plurality of mobile subscriber units, each mobile subscriber unit comprising means for measuring reception levels of signals of base transceiver stations detected by the mobile subscriber unit, where at least one mobile subscriber unit further comprises a position location receiver, and means, responsive to the position location receiver and the means for measuring reception levels, for providing combined position location and reception levels to a base transceiver station; and means, responsive to the combined position location and reception levels received from a mobile subscriber unit, for updating the predicted levels of reception [col. 3: lines 15-45; col. 4: lines 1-20; col. 12: lines 12-16].

Regarding claim 28, Garceran discloses the means for generating predicted levels of reception comprises a network planning tool [col. 1: lines 8-11; col. 3: lines 15-45; col. 4: lines 1-20; col. 12: lines 12-16].

Regarding claim 29, Garceran discloses means for generating predicted levels of reception comprises a mobile subscriber unit comprising a position location receiver [fig. 4; col. 6: lines 31-37].

Regarding claim 30, Garceran discloses a database comprising the predicted levels of reception at a plurality of locations [col. 6: lines 27-30].

Regarding claim 31, Garceran discloses the mobile subscriber units comprise cellular telephones [fig. 4; col. 6: lines 31-37].

Regarding claim 32, Garceran discloses the position location receiver comprises a GPS receiver [fig. 4; col. 6: lines 31-37].

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Regarding claims 33 and 37, Garceran discloses means, responsive to reception levels not associated with a position location; received from a mobile subscriber unit, for identifying a predicted location corresponding to the received reception levels [col. 14: lines 28-36].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 34, 35, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garceran in view of Sheynblat et al., US Patent Number 6,677,894 (hereinafter Sheynblat).

Regarding claims 34 and 38, Garceran does not specifically disclose providing location specific information to the positioned MS unit. However, Sheynblat teaches this limitation. Sheynblat discloses sending location specific information to a positioned mobile unit [col. 17: lines 24-29]. Further regarding claims 34 and 38, Garceran discloses said mobile subscriber unit measures said signal reception level and locates said position [col. 4: lines 1-20].

Regarding claims 35 and 39, Sheynblat discloses the location specific information comprises commercial or safety information [col. 18: lines 35-58].

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At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Garceran to include Sheynblat as providing location specific information to positioned mobile units is well known in the art to provide convenient information to the mobile unit user.

Response to Arguments

7. Applicant canceled previously rejected claims 1-26 and has added new claims 27-39. The new claims are rejected under prior art cited in the previous office action. No specific arguments against the references were made due to the new claims. However, the Examiner contends that the references read on the newly drafted claims.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
February 20, 2007


ERIKA A. GARY
PRIMARY EXAMINER